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COMMITTEE MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
SIERRA HEARING ROOM  
SACRAMENTO, CALIFORNIA

MONDAY, AUGUST 8, 2005

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Ms. Rosario Marin

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Angela Basquez, Staff

Mr. Mark de Bie, Branch Manager, Permitting & Inspection  
Branch

Ms. Donnell Duclo, Executive Assistant

Mr. Reinhard Hohlwein, Staff

Mr. Keith Kennedy, Staff

Mr. Brian Larimore, Staff

Mr. Howard Levenson, Deputy Director

Ms. Sue O'Leary, Supervisor, North Central Section

Ms. Geralda Stryker, Supervisor, South Central Section

Ms. Patty Wohl, Deputy Director

ALSO PRESENT

Mr. Dwight Acey, Citizens Against the Dump Expansion

Mr. Sean Edgar, California Refuse Removal Council

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Don Poindexter, Operations Manager, Sonoma County  
Transfer Station and Landfill Operations

Mr. Scott Smithline, Californians Against Waste

Mr. Bob Swift, LEA, Sonoma County

Mr. Roger Van Horn, LEA, Monterey County

Mr. Chuck White, Waste Management

Ms. Diane Wilson, Kern County Environmental Health, LEA

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the August 8th meeting of the Permitting and  
4 Enforcement Committee.

5 We have agendas on the back table. And if anyone  
6 would like to speak on an item, there are speaker slips.  
7 We ask that you fill them out, bring them up to Donnell  
8 here in the front, and you'll have an opportunity to  
9 address the Committee.

10 And I would like to ask that you turn off your  
11 cell phones and pagers or put them on silent mode.

12 And with that, Donnell, could you call the roll?

13 SECRETARY DUCLO: Members Marin?

14 COMMITTEE MEMBER MARIN: Here.

15 SECRETARY DUCLO: Washington?

16 COMMITTEE MEMBER WASHINGTON: Here.

17 SECRETARY DUCLO: Mulé?

18 CHAIRPERSON MULÉ: Here.

19 Members, do you have any ex partes?

20 COMMITTEE MEMBER MARIN: No.

21 COMMITTEE MEMBER WASHINGTON: No.

22 CHAIRPERSON MULÉ: And I'm up to date.

23 Well, with that, Howard, will you give us your  
24 Deputy Director's Report. Good morning.

25 DEPUTY DIRECTOR LEVENSON: Good morning, Madam

1 Chair and Board members. Howard Levenson with Permitting  
2 and Enforcement Division. Have a few items to report to  
3 you as part of my Deputy Director's report.

4 First of all, follow-ups to our fire and storage  
5 piles workshop. I reported to you last month that we met  
6 with the State Fire Marshal to discuss follow-ups from our  
7 March workshop on this issue. And for starters, we'll be  
8 holding three coordination meetings for LEAs and local  
9 fire officials. These will be oriented towards getting to  
10 know each other, exchange case studies, and discuss  
11 prevention measures. They're scheduled for November, so  
12 presumably the fire season will be over and people can  
13 attend.

14 After that, the State Fire Marshal will convene  
15 an advisory group, and he plans to begin working either on  
16 fire plan requirements as a model ordinance that would be  
17 incorporated into the State building standards or as part  
18 of regulations under the State Fire Marshal's osmosis,  
19 which is Title 19. So we'll look forward to working with  
20 him on those efforts.

21 Last week, on Thursday, we had a very successful  
22 meeting on post postclosure financial assurances. This  
23 was a working session, and we committed to the  
24 stakeholders to having two more working group kind of  
25 sessions, one on sort of the technical aspects of when can

1 a landfill be considered to no longer pose a threat to the  
2 environment, and the other on more detailed discussions  
3 about potential financial assurances mechanisms. We don't  
4 have any dates scheduled for that yet, but we'll be  
5 holding those before we return to the Committee.

6 I'd like to give you an update on La Montaa.  
7 Our role is now complete, and no further building and  
8 demolition work is being requested from us. Last week,  
9 the court hearing regarding final work and resolution of  
10 the site status was held -- actually, it was two weeks  
11 ago. The judge refused the owner's request that the  
12 receiver take action both against the operator of the  
13 recycling facility, the City, and the State. The judge  
14 did approve the receiver's request to proceed with sale of  
15 the property to recover costs, and those costs -- and the  
16 sale will be two or three months from now. The costs will  
17 go to the receiver, the City, and the Board, including the  
18 additional costs beyond our addition estimate of \$2.1  
19 million. The receiver will accept the highest bid, and he  
20 won't be pursuing removal of the remaining buildings,  
21 unless it becomes an issue with the new property owner.  
22 But he has sufficient funding to handle that.

23 Given the sale, there may be a future issue with  
24 the community with respect to use of the property by the  
25 new owner, but that's something that will have to be



1 worked out between the City in its zoning planning and  
2 practices and roll and the new owner in the community. So  
3 other than tracking how things go and awaiting the  
4 completion of the sale, we are finished with the La  
5 Montaa cleanup, something everyone can be very proud of.

6 COMMITTEE MEMBER MARIN: Now we just need our  
7 money back.

8 DEPUTY DIRECTOR LEVENSON: That's right. Sounds  
9 like we will get it.

10 And, lastly, just in keeping with our goal of  
11 trying to bring policy issues before the public and the  
12 Board in an open forum, on September 12th, the P&E  
13 Committee meeting, after the regular items, we will have a  
14 workshop on the LEA operator training issues. There will  
15 be stakeholders involved in that. And after that  
16 workshop, at some point, we'll prepare an item for you for  
17 further direction and consideration.

18 Similarly, in probably December -- don't hold me  
19 to that month exactly -- we'll have another policy  
20 workshop under the osmosis of the Committee related to  
21 enforcement policy issues.

22 And with that, that completes my Deputy  
23 Director's report. I'd be happy to answer any questions.

24 CHAIRPERSON MULÉ: Great.

25 Any questions for Howard?

1           Thank you, Howard.

2           And I did attend the post postclosure meeting  
3 last weekend. And I really do appreciate, Howard, the  
4 work that you and staff are doing on this important issue.  
5 It really is an important issue that I think we really  
6 need to investigate further as we move along. So thank  
7 you very much for your work on that.

8           Okay. Our first item is Item 30, Committee Item  
9 B. And, Howard, do you want to introduce Patty? Thank  
10 you.

11           DEPUTY DIRECTOR LEVENSON: This item is a  
12 discussion and request for rulemaking direction on  
13 proposed amendments to the transfer processing operations  
14 and facilities regulatory requirements to address  
15 conversion technology operations in facilities.

16           As you know, this has been shepherded through the  
17 Waste Prevention and Market Development Division under  
18 Patty's direction. And Brian Larimore will be making the  
19 presentation on this item.

20           MR. LARIMORE: Good morning, Chair, Committee  
21 members.

22           CHAIRPERSON MULÉ: Good morning.

23           MR. LARIMORE: We'll be working off a revised  
24 agenda item. I'm not sure if you have that.

25           CHAIRPERSON MULÉ: Yes, we do.

1           MR. LARIMORE: The Board directed staff at its  
2 February 19th, 2002, meeting to initiate a rulemaking to  
3 revise the transfer station/processing operations and  
4 facilities' regulatory requirements to specify that  
5 conversion technologies that handle solid waste residuals  
6 as feedstock, whether or not the technologies are  
7 specifically included in the statutory definition of  
8 transformation, are subject to these regulations.

9           One of the purposes of the proposed regulations  
10 was to provide some regulatory clarity about the  
11 permitting and operational requirements that would apply  
12 to these facilities. On October 22nd, 2004, the Office of  
13 Administrative Law publicly noticed the proposed  
14 regulations amending the transfer/processing regulations  
15 to address conversion technology operations.

16           This initiated the 45-day public comment period,  
17 which closed December 6th, 2004. Most comments received  
18 during the 45-day public comment period and at the public  
19 hearing on December 6th, 2004, opposed promulgation of the  
20 proposed regulations. Almost every stakeholder  
21 recommended delaying the regulations until questions,  
22 primarily legislative, were resolved.

23           These questions include, without a statutory  
24 definition, how should CT be defined in regulation? For  
25 example, the proposed definition of conversion technology

1 explicitly excludes biomass conversion because there is no  
2 statutory provision that would allow the Board to include  
3 it in regulations. This would mean that while biomass  
4 conversion facilities can mass burn agricultural crop  
5 residues, garden clippings, wood waste, and other  
6 materials without Board oversight, conversion technology  
7 facilities burning these same materials would be subject  
8 to Board requirements.

9           Should certain types of conversion technology  
10 operations be considered as manufacturers, and thus  
11 excluded from Board regulations?

12           Does the three-part test need to consider the  
13 benefits of energy production?

14           For purposes of integrated waste management plan  
15 conformance, should conversion technology be treated as  
16 disposal or transfer/processing? It is much more  
17 difficult to site a conversion technology facility if  
18 treated as disposal. This issue is not addressed in  
19 statute or in the letter regarding legislative intent on  
20 diversion credit.

21           Based on comments received, staff intended to  
22 revise the proposed regulations and present them for  
23 consideration at a future meeting of the Committee and  
24 request an additional 15-day public comment period.  
25 However, statutory inconsistencies have been identified

1 that may make it more appropriate to await legislative  
2 changes prior to proceeding with the formal rulemaking.

3           It is important to note that even if these  
4 proposed regulations are not promulgated, conversion  
5 technology facilities and operations would still be  
6 subject to regulations on a case by case basis under the  
7 existing transfer/processing operations and facility's  
8 regulatory requirements, which includes a three-part test  
9 as a basis for determining whether or not an individual  
10 facility requires the solid waste facilities permit and is  
11 subject to operational regulations.

12           This would require some operators to obtain a  
13 full solid waste facilities permit prior to commencing  
14 operations, while others would not be regulated by the  
15 Board at all. In addition, these operations would also be  
16 subject with other federal, state, and local agency  
17 requirements; for example, air districts, regional water  
18 boards, et cetera.

19           Suspension of the rulemaking process would have  
20 several effects. First, the Board would have to start the  
21 formal rulemaking process over again once the statutory  
22 issues have been addressed. However, the significant  
23 types of statutory changes that may occur could easily  
24 require the Board to start from square one anyway.

25           Second, without regulations, conversion

1 technology operations would be subject to a case by case  
2 review to determine if they would be subject to a Board  
3 regulation and permitting requirements and if they would  
4 be considered diversion, depending upon their current  
5 status in statute and staff determination as to which  
6 label they fit under.

7 In summary, some types of conversion technology  
8 are explicitly dealt with in some statute, some are  
9 implied, and some are not mentioned at all. The proposed  
10 regulations attempted to bridge some of the gaps in the  
11 statute, but were not able to resolve all of the  
12 inconsistencies therein. Therefore, staff recommends the  
13 Board direct staff to halt the formal rulemaking until  
14 identified statutory inconsistencies have been addressed.

15 I'd be happy to answer any questions at this  
16 time.

17 CHAIRPERSON MULÉ: First of all, before we have  
18 questions from the Committee, are there any speaker slips?  
19 We have one, Scott Smithline.

20 MR. SMITHLINE: Scott Smithline, Californians  
21 Against Waste.

22 We actually would support moving forward with  
23 this regulatory package at this time. We've testified to  
24 that in the past. And the main reason for that is while  
25 we understand there are some legislative clarifications

1 that would be very helpful to moving conversion  
2 technologies in the state and we would agree with that, we  
3 don't think they're necessarily going to become  
4 forthcoming in the immediate future. And to the extent  
5 that we are able to assess these facilities, we need them  
6 in operation. And developing a framework to moving them,  
7 you know, beyond just having them being permitted as  
8 transfer and processing facilities is essentially  
9 developing a broader framework that would allow us to get  
10 them moving and allow us to assess them.

11           There is an informational hearing on conversion  
12 technologies, as we all know, coming up sometime this  
13 fall. But that's not necessarily the kind of proceeding  
14 that's going to yield immediate action on the part of the  
15 Legislature. So to the extent that the unanswered  
16 question about diversion credit is being waited on the  
17 Legislature, we definitely don't think they're going to  
18 answer that question before facilities are in operation  
19 and able to be assessed.

20           So no matter how you turn, we think that  
21 something needs to move forward in terms of, you know,  
22 developing some sort of framework for these facilities  
23 essentially before the Legislature moves. If not, we  
24 think it will actually end up delaying the entire process.  
25 And we've consistently said that's actually not what we

1 want. We want to see these facilities in operation so we  
2 can assess them, of course, reserving the right to oppose  
3 any particular facility we may choose to do so.

4 Thank you.

5 CHAIRPERSON MULÉ: Yes.

6 COMMITTEE MEMBER WASHINGTON: Scott, wouldn't it  
7 make sense -- we don't have the technology facilities in  
8 California. And I understand Madam Chair and others are  
9 putting together meetings to understand what conversion  
10 technology is all about.

11 While the Legislature is moving forward, it gives  
12 us the opportunity to really learn more about conversion  
13 technology. It just seems to me it makes more sense for  
14 us to take the opportunity -- we don't really get this  
15 type of opportunity very often -- while the Legislature is  
16 going forward, to not move forward, and really understand  
17 what we're talking about when we talk about conversion  
18 technology. Wouldn't you agree?

19 MR. SMITHLINE: Are you talking about the  
20 informational hearings?

21 COMMITTEE MEMBER WASHINGTON: The informational  
22 hearings, plus the meeting we're putting together to  
23 understand -- we have to make decisions on what conversion  
24 technology is about. And when we don't know anything  
25 because there's nothing in California, we're trying to



1 learn more about where these centers are and what's going  
2 on. It would make more sense to me as a decision maker in  
3 this area that we have an opportunity to really understand  
4 what conversion technology is really all about before we  
5 go and start making decisions on it. And Assemblywoman  
6 Matthews' legislation would give us the opportunity to do  
7 so.

8 MR. SMITHLINE: You know, I understand --

9 COMMITTEE MEMBER WASHINGTON: While I certainly  
10 agree with you that something has to go forward, I just  
11 believe it gives us the opportunity -- and, again, we have  
12 a chance to take advantage of this opportunity. And I  
13 think that if we allow the legislation to go forward --  
14 whatever happens with the legislation coming from the  
15 Legislature, I know that it's going to happen in either  
16 our Committee, where it goes forward or won't go forward.  
17 And I don't really perceive it's going to take a lot of  
18 time to move this forward. From what I understand, the  
19 legislators are trying to get this off the ground and  
20 going.

21 MR. SMITHLINE: Mr. Washington, I understand what  
22 you're saying. And perhaps you have more faith in that  
23 process than I do at this time.

24 My only concern is that, you know, the regulatory  
25 process takes a lot of time, too. And, certainly, this

1 has been and continues to possibly be a contentious one.  
2 So to the extent it is delayed -- I mean, perhaps there's  
3 a way where they can both move forward.

4 And, you know, I leave it to your guys' best  
5 judgment. If you have more faith in that process and you  
6 think things are moving along, that's great. And we'll  
7 certainly be part of that to the extent we're invited and  
8 be participating. But I actually think that the  
9 Legislature's message has been pretty clear through their  
10 actions up to this point in that I really don't see them  
11 making any modifications to the legislation on conversion  
12 technologies until they actually have something to inspect  
13 and assess. And that's our only concern.

14 COMMITTEE MEMBER WASHINGTON: That's the only  
15 problem, those are unknowns. We just don't know.

16 Thank you, Madam Chair.

17 CHAIRPERSON MULÉ: You're welcome.

18 COMMITTEE MEMBER MARIN: Maybe I should just wait  
19 until other people, but I do have some questions later on  
20 for Scott. It's better. No, because I want to hear the  
21 other side.

22 CHAIRPERSON MULÉ: Okay. We have Sean Edgar.

23 MR. EDGAR: Madam Chair and Committee members,  
24 Sean Edgar on behalf of the California Refuse Removal  
25 Council. Good morning to you.

1 I consulted my priests and rabbis and even a  
2 shaman, and CAW and us are on the same page today. We'd  
3 like to see something move forward with regard to  
4 conversion technology.

5 I heard staff's explanation that one of the big  
6 concerns would be the biomass conversion type of  
7 facilities, that those facilities could take materials and  
8 burn all day without Board oversight and other facilities  
9 could burn all night with Board oversight. But I think  
10 that the conversion is more than just the burn aspect that  
11 a lot of folks seem to focus on. And your staff has been  
12 really good to point that out that they're a diversity of  
13 technologies.

14 My challenge would be similar to Mr. Smithline's  
15 comments. If we wait on action of the Legislature, which  
16 could occur this year or might not occur until next year,  
17 we'd be in a position where we leave oversight of  
18 operations that the Board should probably have some  
19 oversight on. We leave that waiting for some future  
20 action. And what we see developing right now are the  
21 types of facilities where the need is clear and present.

22 In the central valley, my farmer friends down  
23 there say that 900,000 tons a year of woody biomass  
24 materials have to come off of the fields and into some  
25 sort of facility, because it can't be burned. We aren't

1 going to put it into a landfill. And my challenge would  
2 be if we lose a little bit of time here waiting for the  
3 Legislature to make some relatively important but in the  
4 scope of things only one part of the issue, I think we're  
5 going to lose some time.

6 So we are in support of the Board moving forward.  
7 And if there are certain elements that need to be  
8 extracted because of either duplicative or difficult areas  
9 that the Legislature needs to act on, policy reasons, we'd  
10 like to see it move forward.

11 CHAIRPERSON MULE: Mr. Edgar, how many of your  
12 farmer friends down in the valley -- how many facilities  
13 do you think would be permitted between now and next year?

14 MR. EDGAR: Now and next year, I'm working on  
15 three facilities right now.

16 CHAIRPERSON MULE: So it's nothing that cannot be  
17 covered under the existing transfer and processing  
18 regulation if those facilities do not pass the test?

19 MR. EDGAR: Correct.

20 CHAIRPERSON MULE: So we already have regulations  
21 that are in place that could handle some of those  
22 facilities?

23 MR. EDGAR: Correct.

24 CHAIRPERSON MULE: Thank you.

25 Next speaker is Chuck White.

1           MR. WHITE: Thank you, members of the Committee,  
2 Chair. I wasn't planning on speaking. I just came back  
3 from vacation, so I don't know quite what I'm stepping  
4 into on this one.

5           But I understand the controversy that's gone over  
6 this thing, and I understand the Board's reluctance to  
7 want to step out too far. But I think there is a broad  
8 spectrum of issues related to conversion technologies,  
9 from the relatively simple and straightforward, to the  
10 very complicated and difficult.

11           And I don't suggest you should proceed with all  
12 of these issues on this rulemaking package at this time.  
13 But if there are certain issues that could benefit from  
14 some clarification that are relatively non-controversial,  
15 you might want to consider moving a maybe scaled down  
16 package forward. An example would be anaerobic digestion  
17 technologies, which we believe, and we believe the Board  
18 believes, is a form of composting. Granted, we could do  
19 this on a case by case basis as facilities come forward,  
20 but it would be nice to have that kind of level of  
21 clarification.

22           I think there's some other issues, like my  
23 colleague Mr. Edgar mentioned, with respect to other types  
24 of conversion. And so the two previous speakers I'd be in  
25 agreement that keep the ball alive a little bit and see if

1 we can move something forward. I would certainly do it in  
2 full consultation with key people in the Legislature to  
3 make sure they're aware of what you're doing. But I think  
4 there might be an opportunity to move together with  
5 everybody on something that most people can agree on that  
6 would be helpful to clarify some of these -- maybe not the  
7 big controversial issues, but some of the ones that could  
8 benefit from some moving forward.

9 So thank you very much.

10 CHAIRPERSON MULÉ: Thank you.

11 And just for the record, we do have two other  
12 pieces of correspondence that came in to the Board. One  
13 is from David Roberti, President of Bioenergy Producers  
14 Association. And the correspondence recommends that the  
15 Board delay consideration of regulatory changes, as they  
16 might affect conversion technologies, until after the  
17 disposition of AB 1090, is the hearing that they're  
18 planning on having in the fall.

19 We also have correspondence from Mike Mohajer  
20 also recommending that the Board delay taking any action  
21 on the proposed conversion technologies, again pending  
22 enactment of AB 1090.

23 So I just wanted to read those into the record.

24 And, Madam Chair, you have some questions.

25 COMMITTEE MEMBER MARIN: You know, I sometimes

1 pray for wisdom, and this is one of them. This is one of  
2 the times that I'm trying to pray for wisdom, because I am  
3 torn in wanting to move forward and at least in those  
4 areas where there is some agreement where we're not  
5 inviting an incredible amount of rejection, while at the  
6 same time respecting the proper role of the Legislature.  
7 Whether we have a lot of faith as to how fast they're  
8 going to move on this item or not, we are very respectful  
9 and mindful of the Legislature's role in developing -- or  
10 providing us the authority to do whatever we need to do.

11 And I'm wondering if we can have the  
12 opportunity -- maybe we just need to explore. Instead of  
13 stopping it completely and canceling it, maybe we can  
14 really entertain the notion of what are those areas where  
15 we might be able to find common ground with a vast  
16 majority of the stakeholders and then bring that back.

17 There is a part of me that is concerned that  
18 we're going to have a hearing in the fall and another one  
19 in January of next year. For all intents and purposes,  
20 what if one gets delayed and there is not enough time?  
21 And I don't know what's going to happen with the Matthews  
22 bill until then. And we may be looking at another  
23 legislative year, you know, another term.

24 While some of these facilities would be served --  
25 I know we have currently the opportunity to take a look at

1 each facility individually. That doesn't go away with  
2 this. What I'm struggling with is would this process make  
3 it easier for other facilities coming forth? And we then  
4 lose the opportunity to at least project that we are  
5 moving forward in the exploration of these alternatives.  
6 If we just stop it and maybe, well, they don't care about  
7 that -- I'm really grappling with this.

8 CHAIRPERSON MULÉ: I know you are. I think we  
9 all are.

10 Actually, my tenancy is not to proceed with the  
11 regulatory process as it stands right now, and that's  
12 because there are too many questions out there. We don't  
13 even have definitions of different processes, you know,  
14 properly defined. And the issue of diversion credits,  
15 there's a lot of unanswered questions, and I feel that  
16 we're putting the cart before the horse if we proceed with  
17 this regulatory package.

18 So I agree with you. We don't want to give the  
19 impression that we're not interested and we're not  
20 proceeding. But there's just too many questions out  
21 there. And I feel that actually if we continue with the  
22 process, we're just going to be delaying it even more  
23 because we're going to be developing regs, and then  
24 definitions are going to change. You know, things are  
25 going to change. And then our staff has to go back and do



1 even more work.

2 And one thing we're trying to do is we're trying  
3 to help staff work smarter. And, you know, to me, I feel  
4 this is just putting a greater burden on them right now.  
5 And it's not necessary. Because, again, we just have too  
6 many unanswered questions.

7 I'd like to see us keep, you know, the ball  
8 rolling, but not in an official capacity. However, when  
9 we are, you know, ready once we have these -- and I  
10 understand the meeting will proceed. And the Senate  
11 hearing will proceed in November. And we will be having,  
12 Madam Chair, under your direction, a meeting early next  
13 year. And I think it's just a few months away. And I  
14 personally would prefer that we just get these questions  
15 answered. And when we proceed, we're going to proceed  
16 with the information at hand, rather than having all these  
17 unknowns out there.

18 COMMITTEE MEMBER WASHINGTON: And I'll just  
19 attach myself to your comment. I think that's really on  
20 point in the sense that, you know, if we don't have  
21 information, it's very difficult to sit here and make  
22 decisions. I'm like you, Madam Chair. You have to sit  
23 and grapple with the idea that we do have stakeholders out  
24 there that say certain things can't be done.

25 To butcher a package like this, I'm really not

1 willing to do so. I'd like to keep it whole and move  
2 forward one way or the other at the appropriate time.

3 CHAIRPERSON MULÉ: So are there any other  
4 comments?

5 Then I guess I need Legal. Do we need to vote on  
6 this, or is this something where we can provide direction  
7 to staff?

8 CHIEF COUNSEL CARTER: Yes. You may provide  
9 direction to staff.

10 CHAIRPERSON MULÉ: We would provide direction to  
11 staff to halt the process as it is. However, we would be  
12 working on things. As definitions change and as things  
13 develop, we would be working on that.

14 And I guess we can do that, Legal?

15 CHIEF COUNSEL CARTER: Yes.

16 CHAIRPERSON MULÉ: That's appropriate to do that.  
17 Yes, Patty.

18 DEPUTY DIRECTOR WOHL: Can I just add, I do have  
19 the issue statement on my desk to review, which would be  
20 the document that we would forward to the Legislature per  
21 the Board's direction. So that piece is coming together,  
22 and we'll have that shortly for you. So I think that  
23 would be the impetus to get some discussion going.

24 CHAIRPERSON MULÉ: Good. Thank you, Patty.  
25 Appreciate that.

1 All right. Next item is Committee Item C, Item  
2 31.

3 Thank you, Patty.

4 DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
5 Chair. Now we'll move on to the permit portion of the  
6 agenda. Item 31 is Consideration of a Revised Full Solid  
7 Waste Facilities Permit for the Monterey Peninsula  
8 Landfill in Monterey County. Angela Basquez will be  
9 making this presentation.

10 MS. BASQUEZ: Hello, good morning.

11 The Monterey Regional Waste Management District  
12 is proposing to combine three existing facilities:  
13 Monterey Regional Waste Management District Material  
14 Recovery Facility, the existing Monterey Peninsula  
15 Landfill, and existing green waste chipping and grinding  
16 operation. The combined facility will have the name  
17 Monterey Peninsula Landfill and operate under one solid  
18 waste facilities permit.

19 The proposed revised permit is to allow the  
20 following: Change the hours of operation to 24 hours,  
21 seven days a week; change receipt of waste for franchised  
22 haulers for Monday through Saturday, 5:30 a.m. to 5:00  
23 p.m.; Sunday limited to special events; and change public  
24 hours to Monday through Friday, 6:30 a.m. to 5:00 p.m.  
25 and Saturday 8:00 a.m. to 4:30 p.m.; and also add food

1 material to the existing biosolids green material  
2 composting activity; reduce the permitted boundary to 466  
3 acres by removing that area that contains the household  
4 hazardous waste collection facility and the last chance  
5 mercantile from the permitted boundary; and increase the  
6 height of the landfill from 260 to 284 feet mean sea  
7 level; change the maximum traffic volume from 946 to 2,000  
8 per day; change the maximum daily tonnage from 2700 to  
9 3500 tons per day; change the landfill design capacity air  
10 space to 91 million cubic yards; and also the last, change  
11 the estimate of the closure period for the landfill to  
12 2017.

13           And also I would like to make an update on agenda  
14 item page 31-6. And it's regarding the chipping and  
15 grinding facility. Board staff conducted an inspection at  
16 the MRWMD Chipping and Grinding facility on July 6th,  
17 2005, and noted that it had exceeded the tonnage limit for  
18 the EA notification tier of 200 tons per day. Records  
19 indicated that on five days during the month of May  
20 tonnages ranged from 208 to 235 tons per day. The MRWMD  
21 had entered a short-term agreement with BFI to receive  
22 their green waste which caused them to exceed the tonnage  
23 limits. The agreement ended in May 2005.

24           On the day of inspection, the June 2000 records  
25 were not available for review. The operator faxed a copy

1 of the records on July 22nd, 2005. The records noted that  
2 the tonnage did not exceed for the month of June.

3 Now I'd like to answer any questions if there are  
4 any.

5 COMMITTEE MEMBER MARIN: So when we inspected,  
6 there wasn't the documentation?

7 MS. BASQUEZ: No, not at the time for June 2005.  
8 The most current was for May 2005.

9 COMMITTEE MEMBER MARIN: But at that point in  
10 time, we had noticed there had been some overages, if you  
11 will?

12 MS. BASQUEZ: Yes. Five times in the month of  
13 May.

14 COMMITTEE MEMBER MARIN: And by June they said  
15 there were no --

16 MS. BASQUEZ: Correct.

17 COMMITTEE MEMBER MARIN: And there were no other  
18 violations like State Minimum Standards except for the  
19 chipping?

20 MS. BASQUEZ: Except for the chipping and  
21 grinding. Correct. Thank you.

22 DEPUTY DIRECTOR LEVENSON: Just for the record,  
23 just want to note all the other findings have been made.  
24 So we would recommend adoption of Resolution 2005-221  
25 Revised in concurrence in the issuance of the permit.

1           CHAIRPERSON MULÉ: Thank you.

2           And we also have the operator and LEA is here if  
3 anybody wants to address them. Thank you for being here  
4 today.

5           I did have the opportunity to visit the facility  
6 two weeks ago. And I will just say, if you haven't been  
7 there, you really need to go see it. They have a first  
8 class operation. And what really told me the story about  
9 their success is the longevity of their employees. Most  
10 of their employees have been there for 9 years, 12 years,  
11 15 years. So that says a lot about the facility and the  
12 way it's run. It's a very good facility. They do it all,  
13 and they do it well.

14          COMMITTEE MEMBER WASHINGTON: Ms. Mulé, in terms  
15 of location, where is this located as it relates to  
16 residents?

17          CHAIRPERSON MULÉ: It is not near any residences  
18 that I can recall.

19          COMMITTEE MEMBER WASHINGTON: Do you have any  
20 number in terms of --

21          CHAIRPERSON MULÉ: Would you like to come up and  
22 give a brief overview about when the acreage was  
23 purchased, because this acreage was purchased many, many  
24 years ago. And there really is no development around it  
25 to speak of.

1 COMMITTEE MEMBER WASHINGTON: Because I'm looking  
2 on the map -- so I won't waste your time, I was looking at  
3 the map, and I couldn't see any residences. So I was kind  
4 of wondering if there was any anywhere --

5 MR. VAN HORN: The closest residence is about  
6 4,000 feet from the parameter of the landfill.

7 Roger Van Horn, the LEA from Monterey County.

8 CHAIRPERSON MULÉ: Roger, just wanted to talk  
9 about the property, the acreage, where it was purchased,  
10 how many years --

11 MR. VAN HORN: It goes back to the '60s when the  
12 property was first purchased. And because of the area  
13 that it's in, it's mostly agriculture, and the waste  
14 treatment plant is right adjacent to it, too. So there's  
15 no chance of any development close to the property.

16 CHAIRPERSON MULÉ: Thank you.

17 COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd  
18 like to move adoption of Resolution 2005-221 Revised.

19 COMMITTEE MEMBER MARIN: Second.

20 CHAIRPERSON MULÉ: We have a motion by Board  
21 Member Washington and seconded by Chair Marin. Please  
22 call the roll.

23 SECRETARY DUCLO: Members Marin?

24 COMMITTEE MEMBER MARIN: Aye.

25 SECRETARY DUCLO: Washington?

1 COMMITTEE MEMBER WASHINGTON: Aye.

2 SECRETARY DUCLO: Mulé?

3 CHAIRPERSON MULÉ: Aye.

4 Motion passes, and we can put this on consent.

5 Very good.

6 Our next item is Committee Item D, Agenda Item  
7 32.

8 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

9 Chair.

10 This is Consideration of a Revised Full Solid  
11 Waste Facilities Permit for the Lovelace Transfer Station  
12 in San Joaquin County. This item will be presented by  
13 Keith Kennedy.

14 MR. KENNEDY: Good morning, Committee Chair and  
15 members.

16 The current permit for the Lovelace Transfer  
17 Station was issued in 1994. The permit was written using  
18 traffic study numbers contained in the environmental  
19 impact report produced for the project. However,  
20 commercial packer trucks were not included as part of the  
21 permitted maximum number of vehicles on the permit.  
22 Apparently, this was an oversight at the time that neither  
23 the LEA nor the operator caught. It was not until a  
24 September 2004 routine monthly inspection of the facility  
25 by the LEA that the discrepancy between the permitted



1 traffic volume and the actual vehicle count was noted.

2           During the previous monthly inspections, the  
3 traffic logs that the LEA reviewed did not count  
4 commercial packer trucks and, thus, the total daily count  
5 of vehicles did not exceed the permit limit. When the LEA  
6 asked to see the traffic counts for all of the vehicles  
7 using the facility, the vehicle count was in excess of the  
8 permitted traffic volume. This permit revision will  
9 change the permitted traffic volume to that which was  
10 analyzed for in the environmental impact report.

11           The proposed permit revision allows for the  
12 following changes: An increase in the maximum vehicles  
13 per day from 478 to 1,280 vehicles per day and several  
14 amendments to the transfer processing report. During the  
15 original pre-permit inspection of the facility by the LEA  
16 and Board staff, violations for vector and dust control,  
17 solid waste removal, and personnel health and safety were  
18 noted. The operator mitigated the vector and dust control  
19 violations by installing vector traps and a water misting  
20 line. The personnel health and safety violation was per  
21 safety issues observed at the facility and the fact that  
22 the operator was not complying with their operation plan.

23           The LEA and Board staff observed heavy equipment  
24 in operation while site personnel were in close proximity.  
25 The operation plan requires that personnel on the tipping

1 floor keep a minimum distance from the heavy equipment and  
2 the operators of the machinery blow their horn while the  
3 site personnel are near.

4           The violation for solid waste removal was issued  
5 due to the amount of waste that had accumulated on the  
6 tipping floor which also contributed to safety issues per  
7 the poor visibility for the equipment operators. Both of  
8 these violations were mitigated by increasing the amount  
9 of outbound loads of waste from the transfer station which  
10 significantly decreased the amount of waste on the tipping  
11 floor and improved visibility for the heavy equipment  
12 operators. Also, language was added to the transfer  
13 processing report specifying exactly where the heavy  
14 machinery was allowed to operate and requiring the  
15 facility personnel maintain a 100 feet distance from the  
16 heavy machinery.

17           The LEA also added a condition to the permit  
18 requiring the operator to maintain a height limit of 12  
19 feet for refuse on the tipping floor to ensure improved  
20 visibility for the heavy equipment operators.

21           The LEA and Board staff verified the operator was  
22 in compliance with State Minimum Standards at a subsequent  
23 pre-permit inspection. Board staff has determined that  
24 all the requirements for the proposed permit have been  
25 fulfilled.

1           In conclusion, staff recommends that the Board  
2   adopt Board Resolution Number 2005-222 concurring with the  
3   issuance of a Solid Waste Facility Permit Number  
4   39-AA-0008. Mr. Jaime Perez from the San Joaquin County  
5   Public Works is here and also the LEA for San Joaquin  
6   County is available.

7           And I'd be happy to answer any questions from the  
8   Committee.

9           CHAIRPERSON MULÉ: Thank you very much.

10          Are there any questions?

11          COMMITTEE MEMBER WASHINGTON: Yeah. I just have  
12   one question. And I guess you have no violations and all  
13   of a sudden you end up with four or five violations after  
14   operating since 1994. How did they get to the point where  
15   they all of a sudden get these four violations?

16          MR. KENNEDY: It only happens when I come out  
17   there. It just seemed to be -- on that particular day, it  
18   seemed to be a perfect storm. They had done some concrete  
19   work to the tipping floor. Waste had backed up. There  
20   was people on vacation. It just seemed like they couldn't  
21   get the waste out quick enough, and that contributed to --

22          COMMITTEE MEMBER WASHINGTON: I just thought that  
23   was pretty interesting. Nothing, and then all of a sudden  
24   you get violations for all this stuff. And I guess that's  
25   because you went out there.

1 COMMITTEE MEMBER MARIN: And after you went  
2 there, there hasn't been any other violations?

3 MR. KENNEDY: No other violations after that  
4 time. They had taken a whole bunch of waste out of it,  
5 and it was much better looking.

6 COMMITTEE MEMBER MARIN: I think people get  
7 nervous whenever somebody -- they want to do such a great  
8 job, especially when some people are not there.

9 I have no problems. I know that this was not a  
10 pattern at all. And if I had seen a pattern every month  
11 or every year where the numbers increased -- I would say  
12 that this was more an aberration than anything else.

13 So with that, I move Resolution 2005-222.

14 COMMITTEE MEMBER WASHINGTON: Second.

15 CHAIRPERSON MULÉ: Moved by Chair Marin and  
16 seconded by Board Member Washington. We can substitute  
17 the previous roll and put this on consent as well.

18 Thank you, Keith.

19 The next item is Item E, Board Agenda Item 33.

20 DEPUTY DIRECTOR LEVENSON: This is Consideration  
21 of a Revised Solid Waste Facilities Permit for the Kern  
22 Valley Recycling Transfer Station in the Kern County.  
23 Gerri Stryker will be making that presentation. She's  
24 going to note a couple of things. I do want to indicate  
25 this jurisdiction also has an NDFE on the Board agenda,

1 and we will need to make sure that is approved before this  
2 can be finally concurred. Also, this item has a Statement  
3 of Overriding Considerations as one of its attachments, so  
4 we'll speak to that.

5 CHAIRPERSON MULÉ: Thank you, Howard.

6 Good morning.

7 SUPERVISOR STRYKER: Good morning, Chairperson  
8 Mulé and Committee members.

9 This proposed permit revision for the Kern Valley  
10 Recycling Transfer Station is a revision for a permit that  
11 was issued by Kern County Local Enforcement Agency on  
12 December 12th, 1996. The existing facility is located on  
13 the east side of Isabella Lake in the Kern River Valley of  
14 Kern County. More specifically, the facility is in Cyrus  
15 Canyon adjacent to and west of the closed Kern County  
16 Sanitary Landfill.

17 The facility consists of a gate house and scale,  
18 a partially enclosed transfer building, a tipping pad with  
19 a recessed trailer area for loading, recycling areas,  
20 waste oil and filter drop-off area, and a household  
21 hazardous waste storage area.

22 The municipal solid waste received at the  
23 facility is transferred to the final disposal at Ridge  
24 Crest Sanitary Landfill. The Kern County Waste Management  
25 Department is the owner and operator of the facility, and

1 the day to day operation of the facility is done by the  
2 contract operator.

3 The proposed new permit for the facility includes  
4 the following specifications and conditions: Change  
5 permitted hours from 7:00 a.m. to 4:00 p.m., January,  
6 February, November, and December; 7:00 a.m. to 5:00 March,  
7 April, September, and October; and 7:00 to 6:00 May  
8 through August, Monday through Sunday, except holidays.  
9 They're simplifying it, and it's going to be 8:00 a.m. to  
10 4:00 p.m. Monday through Sunday, except for holidays.

11 The second change is a change in property owners  
12 from the Bureau of Land Management Caliente Resource Area  
13 to the Kern County Waste Management Department.

14 Third is change in types of waste received. The  
15 facility will now accept cathode ray tube devices for  
16 recycling and no longer accept large dead animals.

17 And then some minor changes to the language in  
18 the proposed solid waste facilities permit includes in the  
19 self monitoring, that's basically to clarify reporting  
20 requirements for annual reports. An example of the change  
21 was that they removed quantities and types of goods  
22 recycled in this section. And then another section  
23 changed enforcement agency conditions. And that was to  
24 remove language in the old permit that was redundant with  
25 laws that have been passed since 1996. A good example of

1 that is that the old permit condition number 13 said the  
2 LEA shall be notified of any nuisance, health, or safety  
3 complaints written or verbal within 24 hours of receipt by  
4 the operator. This is covered under CCR Title 14 Section  
5 17414(d). So basically anything they removed is already  
6 covered in law.

7 At the time this agenda item was prepared, Board  
8 staff indicated the facility's locally adopted amended  
9 county non-disposal facility element required Board  
10 approval prior to staff's recommendation to approve this  
11 item. Board staff prepared an agenda item that's  
12 consideration of the amended nondisposal facility element  
13 for the Unincorporated area of Kern County, Agenda Item  
14 Number 16, that will be heard before this item is  
15 scheduled to be presented at the Board in August.

16 Therefore, staff recommends that the Board concur  
17 in the issuance of the proposed permit and adopt  
18 Resolution 2005-223, if the facility's locally adopted  
19 amended county nondisposal facility element is approved by  
20 the Board prior to consideration of this proposed  
21 permit.

22 Here today to respond to questions on this item  
23 representing the Local Enforcement Agency is Diane Wilson  
24 of the Kern County Environmental Health Department. And  
25 representing the operator is Nancy Ewert of the City of

1 the Kern -- anyway, Nancy Ewert. And I'm here if you have  
2 any other questions as well.

3 CHAIRPERSON MULÉ: Thank you, Gerri.  
4 Questions?

5 COMMITTEE MEMBER WASHINGTON: Madam Chair, is it  
6 to say that this probably should just be moved to the full  
7 Board since we won't be able to vote on this?

8 CHAIRPERSON MULÉ: Let's get some legal counsel  
9 on this. Because it's confusing. We want to approve  
10 this, but I think --

11 COMMITTEE MEMBER WASHINGTON: I think move it to  
12 the full Board and take up the other item before at the  
13 full Board.

14 CHAIRPERSON MULÉ: Well, we've got the NDFE  
15 approval is tomorrow's Sustainability and Market  
16 Development Committee.

17 COMMITTEE MEMBER WASHINGTON: So move it to the  
18 full Board.

19 COMMITTEE MEMBER MARIN: Can't we still have a  
20 recommendation?

21 CHIEF COUNSEL CARTER: Yes, you can have a  
22 recommendation or go ahead and vote it, put it on consent,  
23 and hold that item until after you hear the other item.  
24 It's up to you. You have those choices.

25 CHAIRPERSON MULÉ: So we can approve it



1 conditioned on approval of the NDFE.

2 SUPERVISOR STRYKER: I forgot to mention a typo  
3 on the Resolution. It says 2002. That will be changed.

4 CHAIRPERSON MULÉ: Yes. 2005-223. Thank you,  
5 Gerri.

6 DEPUTY DIRECTOR LEVENSON: Madam Chair, just  
7 following up on that discussion about consent. If the  
8 NDFE does not get placed on the consent agenda, this would  
9 be pulled and we would make a presentation after that  
10 item.

11 MS. WILSON: Diane Wilson with Kern County  
12 Environmental Health, LEA.

13 The actual NDFE item is not that they didn't have  
14 an NDFE. It was an address correction. So we feel that  
15 that's not as significant an issue as if there was not an  
16 NDFE in the first place or NDFE amendment in the first  
17 place. So we would ask you to vote on consent. Put this  
18 on the consent agenda if possible.

19 CHAIRPERSON MULÉ: Thank you, Diana.

20 So we can actually go forward and move approval  
21 if someone would like to do that.

22 COMMITTEE MEMBER MARIN: By adopting the  
23 Resolution, we automatically adopt the overriding  
24 consideration, or is that a separate --

25 CHIEF COUNSEL CARTER: Yes. It's part of the

1 Resolution. So if you refer specifically to the  
2 Resolution, you will have adopted that. And the motion  
3 for this item should be that it's conditionally moved.  
4 Conditionally moved upon approval of the NDFE item.

5 COMMITTEE MEMBER MARIN: That's exactly my  
6 motion.

7 COMMITTEE MEMBER WASHINGTON: Second.

8 CHAIRPERSON MULÉ: Okay. Moved by Chair Marin  
9 and seconded by Board Member Washington.

10 COMMITTEE MEMBER MARIN: 2005-222.

11 CHAIRPERSON MULÉ: And we can substitute the  
12 previous roll. And, again, this can be placed on consent  
13 with the condition that the NDFE is also approved at  
14 tomorrow's Committee meeting. Okay.

15 DEPUTY DIRECTOR LEVENSON: Thank you.

16 And, Madam Chair, if I can go back to Item 32,  
17 which was a three-oh vote, can that be placed on consent  
18 just for the record?

19 CHAIRPERSON MULÉ: Yes. I thought we had done  
20 that.

21 DEPUTY DIRECTOR LEVENSON: I missed that.

22 CHAIRPERSON MULÉ: I think we had done that. You  
23 were jumping ahead to the next item, Howard. Thank you.

24 Agenda Item 34.

25 DEPUTY DIRECTOR LEVENSON: This is Consideration

1 of a Revised Full Solid Waste Facilities Permit for the  
2 Central Disposal Site in Sonoma County. This will be  
3 presented by Sue O'Leary. And this site has quite a  
4 history attached to it.

5 SUPERVISOR O'LEARY: Good morning, Madam Chair  
6 and members of the Committee. This item considers a  
7 revised landfill and transfer processing permit for the  
8 Central Disposal Site in Sonoma County. The facility is  
9 owned and operated by Sonoma County and is located  
10 southwest of the city of Cotati in the Unincorporated area  
11 of the county.

12 The operator is applying for a revised permit to  
13 allow for three years of out hauling of potentially all of  
14 the solid waste that would have been disposed at the  
15 Central Disposal Site in response to corrective action  
16 waste discharge requirements issued in 2004 by the North  
17 Coast Regional Water Quality Control Board. The waste  
18 discharge requirements were issued as a result of multiple  
19 breaches in the landfill II liner and subsequent landfill  
20 gas migration around the liner's anchor trench. The waste  
21 discharge requirements prohibit further landfill expansion  
22 phases within the landfill II waste management unit until  
23 the County can show the landfill's underdrain system  
24 provides adequate groundwater protection.

25 The operator proposes to use the existing

1 self-haul tipping building as a temporary transfer station  
2 as the incoming self-haul and commercial vehicle waste  
3 will be loaded on transfer trailers and hauled to  
4 out-of-county disposal sites. According to the LEA,  
5 incoming waste currently accepted at the Central Disposal  
6 Site comes from the Santa Rosa regional area, county  
7 self-haul, and the Annapolis and Guerneville Transfer  
8 Stations. The Sonoma County Transfer Station and the  
9 Healdsburg Transfer Station currently are out hauling all  
10 or a portion of their waste to the Potrero Hills Landfill  
11 in Solano County.

12           During this interim three-year period of out  
13 hauling, some limited on-site disposal may occur if  
14 authorized by the North Coast Regional Water Quality  
15 Control Board. Disposal could include an additional ten  
16 feet of height on the landfill Unit 1 and disposal in  
17 Phases 1 and 2 of Landfill 2 until the site reaches the  
18 final permitted capacity.

19           Proposed permit changes include: A permitted  
20 maximum tonnage limited of 1,050 tons per day at the  
21 temporary transfer station with a potential tonnage  
22 increase subject to prior LEA approval of up to 7 percent  
23 annually for the next two years and up to maximum of 1,202  
24 tons per day in the third year; a 150 ton waste limit for  
25 the volume of waste that can remain on the transfer

1 station floor at the end of each day and a 24-hour solid  
2 waste removal limit; outgoing transfer trailer travel time  
3 limitations; an updated waste characterization list; an  
4 approved alternative daily cover; clarification of the  
5 landfill's disposal footprint acreage; an updated landfill  
6 closure date; and a three-year permit review.

7           The pre-permit inspection conducted by staff on  
8 July 7th, 2005, identified one violation for daily cover.  
9 A follow-up inspection on July 22nd, 2005, determined  
10 compliance with the State Minimum Standard. All other  
11 conditions at the facility were found in compliance with  
12 the State Minimum Standards.

13           Board staff have reviewed the proposed permit and  
14 supporting documentation and have determined that the  
15 requirements for the proposed permit have been fulfilled  
16 and recommend Board approval of Option 1 and concurrence  
17 of Permit Number 49-AA-0001 and adoption of Resolution  
18 2005-224.

19           The operator, Don Poindexter, and the LEA, Bob  
20 Swift, are present to answer any questions that you may  
21 have.

22           This, with one exception, concludes staff's  
23 presentation. I noticed -- actually, Allison  
24 Spreadborough who prepared this item noticed that there  
25 were two little mistakes in the agenda item in the revised

1 version. On page 6 under number 2, consistent with State  
2 Minimum Standards, in Line 1 it says, "On July 9th, 2005,"  
3 that should be, "July 7th, 2005." And in Line 9, the line  
4 starts with "fiber product" and has an underline, "a  
5 follow-up inspection on July 8th" should read "a follow-up  
6 inspection on July 22nd, 2005."

7 That concludes staff presentation.

8 CHAIRPERSON MULÉ: Thank you very much.

9 We do have one speaker. So let me call the  
10 speaker forward, Dwight Acey.

11 MR. ACEY: Thank you for the opportunity for me  
12 and our group, Citizens Against the Dump Expansion, an  
13 opportunity to weigh in on this matter.

14 CHAIRPERSON MULÉ: Would you state your name for  
15 the record?

16 MR. ACEY: My name is Dwight Acey, and I live in  
17 Solano County. I'm a spokesperson for a group called  
18 Citizens Against the Dump Expansion.

19 Our group's opposed to the expansion of Potrero  
20 Hills Landfill in Unincorporated Solano County. The  
21 primary goal of our group is to stop the expansion of the  
22 Potrero Hills Landfill, because we believe the expansion  
23 of this landfill will have a negative impact on public  
24 health and safety.

25 Let me sort of add a little bit to this letter

1 here to give you a little background. Our community that  
2 borders along the landfill is approximately a mile and a  
3 half from that landfill. And it is, I guess, about 85  
4 percent of a community of color. I live there, by the  
5 way. The people who live there are middle class folks.  
6 There is a crime rate of almost zero. The lawns are  
7 manicured. This is not the typical community often that  
8 is associated with the people who live there. It's very  
9 much like a rural southern community. People wave at each  
10 other as they go by. Almost all the neighbors know one  
11 another. We don't suffer a lot of the ills of the inner  
12 city. I'll end my commentary there and continue with the  
13 letter.

14 We further wish to prevent damage to the  
15 environment of the Suisun Marsh. By the way, you already  
16 know it's 85,000 acres of protected wildlife. And it  
17 borders on this marsh. And it also borders on our  
18 community.

19 We further wish to prevent damage to the  
20 environment of the Suisun Marsh due to the degradation of  
21 wildlife, air quality, groundwater, and aesthetics.

22 A secondary goal of our organization is to  
23 encourage surrounding counties that send or are proposing  
24 to send waste to the Potrero Hills Landfill to send less  
25 to that landfill and to spread out the loads to other

1 permitted solid waste facilities within or outside of the  
2 state of California.

3           The reason I'm before you is to ask two questions  
4 of this Committee and to make some requests on behalf of  
5 Citizens Against the Dump Expansion. On page 4, paragraph  
6 4 of your revised agenda item, the item states that the  
7 Sonoma Transfer Station and Healdsburg Transfer Station  
8 are currently out hauling all or a portion of their waste  
9 to Potrero Hills Landfill in Solano County or to the  
10 Central Disposal Site.

11           We have the following questions. One, how much  
12 tonnage per day is the county of Sonoma currently  
13 transferring from the Sonoma and Healdsburg Transfer  
14 Station to the Potrero Hills Landfill?

15           Two, if as of September 1st, 2005, all of the  
16 waste from the Annapolis Transfer Station and Guerneville  
17 Transfer Station will be out hauled to one or more of the  
18 five landfills identified on page 4, paragraph 3 of Agenda  
19 Item 34, how much tonnage will be hauled out of Sonoma  
20 County from those two transfer stations?

21           Our request: We request that when you make your  
22 recommendations to the full Board on this item that you  
23 require the County of Sonoma to disclose to you and the  
24 public an itemized list of where all of the Central  
25 Landfill's waste is and will be going as of September 1st,



1 2005. In addition, we believe the Board needs to send a  
2 message to the County of Sonoma that they need to plan as  
3 required by AB 939 for their solid waste disposal. It is  
4 further requested that a review of their countywide  
5 integrated waste management plan should be required by the  
6 Board.

7 Also, I would like to add that we have a time  
8 frame -- a very tight time frame for this request. The  
9 reason is that -- to give you a little background, the  
10 environmental impact report was not certified by the  
11 Solano County Planning Commission. And that failure to  
12 certify it or deny the permit was on July 23rd. And it is  
13 currently before the Solano County Board of Supervisors  
14 for appeal by the operator on August 9th, '05, which is  
15 tomorrow.

16 Thank you.

17 CHAIRPERSON MULÉ: Thank you, Mr. Acey.

18 Any questions?

19 Madam Chair.

20 COMMITTEE MEMBER MARIN: Do we have anybody from  
21 the operator or the LEA on this item? Please come  
22 forward.

23 MR. SWIFT: Good morning, Madam Chair, Board  
24 members. Bob Swift, LEA for Sonoma County.

25 COMMITTEE MEMBER MARIN: Thank you, Mr. Swift.

1 I have a question. If, in fact, this item will  
2 be heard by the Board of Supervisors tomorrow -- is that  
3 my understanding?

4 MR. SWIFT: This is Solano County Board of  
5 Supervisors? I'm not privy to that.

6 CHAIRPERSON MULÉ: I believe the item he's  
7 referring to is the Potrero Hills Landfill. His concern  
8 is that Sonoma County would be exporting or hauling their  
9 waste to Potrero Hills. They already do -- and, again, I  
10 think some of the questions that we have is how many tons  
11 a day are currently being transported to Potrero hills.

12 COMMITTEE MEMBER MARIN: Okay. So I don't know  
13 whether our action was dependant on the Board of  
14 Supervisors taking an action, but it doesn't. It has  
15 nothing to do with that. It's independent. Okay. I'm  
16 sorry. It's a very different issue. I don't know why you  
17 put them together and confused me, Mr. Acey.

18 MR. ACEY: I respectfully apologize.

19 COMMITTEE MEMBER MARIN: So given that, this  
20 particular site, now our staff has done all of the reviews  
21 and there is a recommendation for adoption of this  
22 Resolution, which will allow this facility to continue. I  
23 didn't see, at least when this item was made public, that  
24 there was any opposition to this item -- except for now,  
25 this particular item. But have we seen any other? Has

1 there been any other opposition to this item?

2 DEPUTY DIRECTOR LEVENSON: No. We have not seen  
3 anything else. And as the Chair indicated, this does  
4 reflect to Mr. Acey's concerns the actions on this item  
5 will have impacts on Potrero Hills' decision in  
6 operations.

7 COMMITTEE MEMBER MARIN: Okay. So regarding this  
8 item, there is one concern that I have only, and that is  
9 the leftover, 150.

10 MR. SWIFT: 150 tons per day.

11 COMMITTEE MEMBER MARIN: How many other  
12 facilities do we allow to have a holdover? Is it  
13 something pretty common? Is it uncommon? Is the amount  
14 reasonable? Just help me -- statewide. Statewide.

15 BRANCH MANAGER DIE BIE: Let me have a shot at  
16 giving you sort of a generic oversight. Mark die Bie with  
17 Permitting and Inspections.

18 First of all, the State Minimum Standard relative  
19 to waste removal is a minimum of removing all the waste  
20 within 48 hours from receipt. So when the waste comes in,  
21 that particular load needs to be gone within 48 hours.  
22 Some permits have less time. There are very few permits  
23 out there, usually very small transfer stations that the  
24 LEA has allowed longer time periods. And that's okay.  
25 The LEA has discretion on that. So in many cases, there

1 will be waste remaining on the tipping floor at the end of  
2 the operating day. That hopefully will be the first load  
3 that's pushed the next day into the transfer station or  
4 into the transfer rigs. Because it's a two-day period,  
5 there is that overnight period.

6 I can't really right now at the table here tell  
7 you how many, you know, keep waste over. I think it's a  
8 common occurrence, that you will see some amount of  
9 material staying.

10 Relative to the amount, it's contingent on the  
11 capacity calculations. How much waste does that site  
12 receive? How much can it move through the facility?  
13 Number of transfer regs, a lot of calculations go in in  
14 terms of how much material could or should be left on the  
15 floor. Certainly, no matter how much is left on the  
16 floor, the facility needs to fully comply with all the  
17 State Minimum Standards. So that waste on the floor  
18 cannot contribute to dust and odors and vectors and that  
19 sort of thing. And if those were observed, then certainly  
20 the LEA would need to step up and work with the operator  
21 to adjust the amount that is on the floor if it's  
22 contributing to those other issues.

23 COMMITTEE MEMBER MARIN: Because you've increased  
24 that. I think it went from 120 to 150. When did you do  
25 that?

1           MR. SWIFT: The 120 to 150, it was based on the  
2 volume that can be loaded into a transfer trailer. And we  
3 also put a limitation on the number of transfer trailers  
4 that can leave the facility between the end of the public  
5 hours of operations from 5:30 to 6:30. So based on the  
6 loading of the transfer trailers -- we were being  
7 proactive. As Mark indicated, refuse is typically left on  
8 the floor at the end of the day. The State Minimum  
9 Standards require removal within 48 hours. We have  
10 24-hour removal, 150 tons at the end of the day. We're  
11 being proactive in trying to be sensitive to our neighbors  
12 to avoid any issues with odor or vectors or fire. Just  
13 place a limitation on that.

14           COMMITTEE MEMBER MARIN: Well, I will tell you,  
15 there's nothing I can do with this permit now. We either  
16 deny it or we approve it. But it would be my preference  
17 to reduce the amount that is left over. And that's for  
18 across the state, you know. I can't vote against it right  
19 now. You're going to get your permit. But let it be  
20 known that my preference is to have less, not more, that  
21 they should do everything they can. I've visited many,  
22 many transfer stations. And at least the ones I have  
23 visited, they don't have 150 tons of waste left over.

24           MR. SWIFT: Well, 150 tons on the floor at the  
25 end of the day would translate to approximately 10 percent

1 of the floor space in this facility. So it's --

2 COMMITTEE MEMBER MARIN: But I've visited many of  
3 them that are completely clean at the end of each day. So  
4 I appreciate that. It's a desire, if you will. You know,  
5 less at the end of the day would be far more preferable.

6 MR. SWIFT: And a lot of this is contingent on  
7 the operating hours of the other disposal sites that will  
8 receive this waste.

9 CHAIRPERSON MULÉ: So the County has yet to  
10 decide where they're going to bring their waste?

11 MR. SWIFT: At this time, they're looking at  
12 three or four different landfills, permitted facilities  
13 that would be able to take Sonoma County's waste for the  
14 next three years.

15 CHAIRPERSON MULÉ: But we don't have any  
16 definitive numbers on the volumes that would be going to  
17 these different sites, if it's all going to one site or  
18 two sites?

19 MR. SWIFT: No. I'm not sure if the operator has  
20 more specific information on that.

21 CHAIRPERSON MULÉ: Could you come forward? I'd  
22 be interested in that.

23 And I also want to ask a question about the  
24 transfer facility itself. I mean, I agree with Chair  
25 Marin. My preference would be not to have any trash on

1 the floor at the end of the day. And so my question that  
2 I will ask regarding that is, is this transfer station  
3 partially enclosed, fully enclosed, or what? You can  
4 answer the other questions first regarding where this  
5 waste would be going.

6 MR. POINDEXTER: Be happy to. Committee Chair  
7 and members, good morning. I'm Don Poindexter. I'm  
8 Operations Manager for Sonoma County's Transfer Station  
9 and Landfill Operations.

10 To address the tonnage on the floor as an  
11 example, we have our Healdsburg Transfer Station which is  
12 permitted currently at 450 tons a day, and we have a cap  
13 of 75 tons at the end of the day. And we were just trying  
14 to be reasonable and project ahead for Central. If it  
15 wouldn't delay anything, if you wanted to direct that it  
16 be 100 or something like that, at this point that would be  
17 fine.

18 COMMITTEE MEMBER MARIN: I don't know that we can  
19 do that. But let me tell you, this Board will look very,  
20 very favorably upon when you come in and say at the end of  
21 the year, you know, our end of the day traditionally was  
22 100 or 75. That would be wonderful.

23 MR. POINDEXTER: That is our goal, too. At the  
24 current time, we've been operating with zero left at the  
25 end of the day. But it's a public tipping building, not a

1 transfer station.

2           So this whole thing is a three-year permit to try  
3 to sort out all the changes that have to happen, including  
4 where the waste is going to go, how our building, which  
5 was designed for one purpose, will serve as a transfer  
6 station, and to determine what the responses will be at  
7 the various landfills.

8           Right now, we're transferring out to Potrero  
9 about 280 tons per day average, which is about all of the  
10 tonnage out of Sonoma Transfer Station and a portion of  
11 what comes out of Healdsburg.

12           Our objective is in September to take all waste  
13 out of the county. This month, in August, our Board of  
14 Supervisors is finalizing contracts with Redwood Landfill,  
15 with West Contra Costa County, with Potrero. We have  
16 backup contracts going into place and written letters of  
17 commitment from places like Keller Canyon and Yolo County.

18           So we're trying to cover all the bases. We know  
19 it's going to have to be to two or more landfills, because  
20 we don't want to crowd any one landfill with all our  
21 waste, which has been historically averaging between 1,000  
22 and 1200 tons a day.

23           Right now there is an agreement on September 1  
24 for a portion of our direct hall that will go to Redwood  
25 Landfill in Nevada. The other contracts aren't finalized



1 yet, so I can't really speak for the Board. But we're  
2 well underway to sorting all that out. So we'll have  
3 something in place within about two weeks.

4 CHAIRPERSON MULÉ: The other question I had was  
5 regarding the proposed transfer station. Is that fully  
6 enclosed, partially enclosed?

7 MR. POINDEXTER: It's enclosed on three sides  
8 back to the land, so we have had very little vector or  
9 litter problems from that building.

10 CHAIRPERSON MULÉ: How about odor?

11 MR. POINDEXTER: Odor, no. We've had no  
12 complaints from the building on that site. We have had  
13 complaints from -- we have a compost operation on site in  
14 another area. Occasionally, we'll kick up a complaint,  
15 but that's not the tipping building or the landfill  
16 operation.

17 COMMITTEE MEMBER MARIN: I would just like to  
18 say, you know, I don't know whether it was the immediate  
19 previous item or the one before that where they're asking  
20 for fewer hours of operation, not more. And traditionally  
21 all of these permits require more, more hours, more  
22 tonnage. So we like to see less, not more.

23 And you have a very difficult job, you know,  
24 trying to manage all of these facilities and trying to be  
25 fair in sharing the pain. I know you will do a very good

1 job about that.

2 But when you can, if you can, I really would  
3 appreciate it if you reduce the amount of whatever is left  
4 over. I think that will go a long way, at least in the  
5 Chair, and I'm sure Mr. Washington agrees, less is better  
6 than more.

7 MR. POINDEXTER: I can commit to that.

8 COMMITTEE MEMBER MARIN: Thank you so very much  
9 for coming.

10 CHAIRPERSON MULÉ: Go ahead.

11 COMMITTEE MEMBER WASHINGTON: Just so I'm clear.  
12 The five landfills you mentioned, Redwood, Potrero Hills,  
13 Keller Canyon, West Contra Costa Landfill, and Yolo County  
14 Landfill, when would you know that all five of these are a  
15 part of this plan? Is there any specific timing that you  
16 guys are set up to make sure that all these would share in  
17 your waste going to these different landfills?

18 MR. POINDEXTER: That's part of some negotiations  
19 going on with my management right now with the various  
20 landfills. Some, like Yolo County, have said we'll take  
21 it all, but it's a matter of our looking at the best  
22 combination for cost and feasibility, too. Because we  
23 have one offer at seven dollars a ton if we can get it to  
24 Nevada. That's very cheap. But it costs  
25 100-something-dollars a ton to get it there. We have to

1 look at the balance. Some of those are closer, if their  
2 price is reasonable, would certainly be our first choice.  
3 But some of them have indicated the capacity is not a  
4 problem with them. It's just the distance. So our Board  
5 of Supervisors are working through the best possible  
6 combination to where it's practical and feasible and  
7 economically reasonable.

8 COMMITTEE MEMBER WASHINGTON: So the best offer  
9 you had so far is the one dealing with Potrero?

10 MR. POINDEXTER: We've had an ongoing contract  
11 for the last year-and-a-half or so when we started with  
12 Potrero that they would take a certain amount of waste so  
13 that it would give us enough time to close down our site  
14 in a controlled manner. The new contracts coming up are  
15 totally different and look ahead for five to ten years --  
16 three to five years. Up to about five years, I believe.

17 What we're doing right now in looking at our  
18 long-range plan is we had a consultant working on our  
19 long-range plan for over a year now. They're almost done  
20 with it. We had a last-minute addition with the request  
21 that the Board of Supervisors gave the consultant that  
22 they consider rail haul as a future option. So what we're  
23 doing right now is trying to get a three-year term where  
24 we can sort it out, go back to our Waste Management people  
25 and long-term planning, come up with a revised long-term

1 plan that would serve the community and the Waste Board  
2 and everybody, too.

3 COMMITTEE MEMBER WASHINGTON: Great.

4 Howard and Mark de Bie, is there any negative  
5 impacts that this will have on those other five? Or I  
6 guess through their negotiations they would know they can  
7 only take in so much of these folks' waste so it won't  
8 have an impact on their permitted facility.

9 DEPUTY DIRECTOR LEVENSON: That's correct. I  
10 presume in their negotiations they know what their tons  
11 per day are and what their vehicle counts are, and they're  
12 going to have to hold to those conditions on any given  
13 permit.

14 CHAIRPERSON MULÉ: One more quick question here.  
15 I understand this is a three-year temporary permit  
16 revision that we're looking at. When would we revisit  
17 this? Would it be in one year, two years, or  
18 year-and-a-half to see if you need additional time?

19 My understanding, the premise for this is because  
20 you have a liner that's failed. It's a very serious  
21 matter. And so, you know, what is -- I know you don't  
22 have a crystal ball. But, you know, do you think that you  
23 can have that liner fixed in the three years?

24 MR. POINDEXTER: I think we've greatly improved  
25 the situation. I brought just a little graphical that

1 shows you total VOCs over the last year-and-a-half are  
2 almost down to nothing now, less than five parts per  
3 billion of all the contaminants combined. We've made a  
4 lot of repairs all around the parameter. There's nothing  
5 left to deal with except the few VOCs that are there are  
6 some landfill gas components. And probably this week we  
7 will finish sealing the cap of the east canyon and move  
8 our operation up to the old landfill and make some last  
9 changes to the parameter of the landfill that has had this  
10 problem.

11 Certainly, it was a crisis. It's very serious.  
12 And we all look at it seriously. We worked very hard for  
13 the last couple years to fix it, and I think the data  
14 shows we've been greatly successful. And I think in the  
15 near future if this trend continues, that we will be able  
16 to come back and report that we're in really good shape.  
17 In the meanwhile, we will only have another month of  
18 operation on the old landfill up on top. And all we're  
19 doing is crowning the top for drainage, then we'll cap it,  
20 and we're done.

21 CHAIRPERSON MULÉ: Thank you.

22 Howard.

23 DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
24 Chair.

25 I just want to direct your attention to the last

1 two permit conditions on page 9, II and JJ. I'm sure  
2 Mr. Swift can speak more to these. He's the LEA who put  
3 these in here. But there would be an application for a  
4 three-year permit review required -- actually less than  
5 three years from now. And then any change from the  
6 temporary to the permanent status is going to require the  
7 permit review and a revised solid waste facilities permit  
8 and all the associated environmental work.

9 CHAIRPERSON MULÉ: Good.

10 COMMITTEE MEMBER WASHINGTON: Madam Chair, my  
11 final comments.

12 I would just hope as a responsible operator,  
13 which I'm sure you guys are, that you will give  
14 considerations to the citizens which you're in  
15 negotiations for the other areas that you're out hauling  
16 your waste to and that some consideration be given when  
17 these folks raise concerns to you about their concerns. I  
18 know you have to do what you have to do. But if there is  
19 some consideration that you guys can offer those folks, it  
20 would be great to do so.

21 And, likewise, I'd like to ask the LEA from the  
22 County behind you here, again, can you provide the  
23 Citizens Against the Dump Expansion with the numbers?  
24 They made a request how much tonnage per day is the County  
25 currently transferring. Can we get these numbers for

1 those folks? It's public information. If you can get  
2 with him, he'll give that information for you.

3 MR. SWIFT: Certainly.

4 CHAIRPERSON MULÉ: Thank you.

5 Do I have a motion?

6 COMMITTEE MEMBER MARIN: What? You want to do  
7 it? You want to have the honor?

8 Move approval of Resolution 2005-225.

9 COMMITTEE MEMBER WASHINGTON: Second.

10 CHAIRPERSON MULÉ: It's 224 revised.

11 We have a motion by Chair Marin, seconded by  
12 Board Member Washington. If you could substitute the  
13 previous roll, and we can put this one on consent as well.  
14 So this will go on our consent agenda. Very good.

15 The next item is Item G, Board Agenda Item 35.

16 DEPUTY DIRECTOR LEVENSON: The last two items are  
17 both from Alameda County. Item 35 is Consideration of a  
18 Revised Solid Waste Facilities Permit for the Altamont  
19 Landfill and Resource Recovery Facility in Alameda County.  
20 And Reinhard Hohlwein will be presenting that item.

21 MR. HOHLWEIN: Good morning, Madam Chair and  
22 Board members.

23 This item regards the issuance of a revised solid  
24 waste facilities permit for the Altamont Landfill and  
25 Resource Recovery Facility which is located in the

1 Altamont Hills of the eastern portion of Alameda County.  
2 This revision is intended to enlarge the disposal  
3 footprint of the landfill from 242 acres to a total 472  
4 acres. The total permitted boundary of the facility is  
5 also going to be enlarged on the permit as noted in the  
6 item expanded from a total of 1,528 acres to 2,170 acres.  
7 The solid waste facilities permit has not been revised  
8 since 1994.

9 I would like to note a couple of corrections to  
10 the item. First on page 2, the surrounding setting of the  
11 landfill is entirely within the Unincorporated area of  
12 Alameda County and not partially in the city of Livermore  
13 as stated.

14 And also on page 4, it should be noted that the  
15 nearest residence is approximately one mile from the  
16 western edge of the current disposal footprint, not six  
17 miles.

18 Also on page 2, Option 3 under options for the  
19 Board is not available on this item because of the  
20 Statement of Overriding Considerations and will be  
21 removed. A corrected item will be posted on the Board's  
22 website this week.

23 The proposed permit as submitted will not  
24 increase the permitted tonnage of 11,500 tons per day, nor  
25 would it change or increase the daily traffic vehicle



1 count. The actual daily tonnage of the facility is  
2 generally between 5,000 and 6,000 tons a day. The  
3 operator will continue to accept, process, and dispose of  
4 waste 24 hours a day, seven days a week. The LEA has  
5 found the facility consistently in compliance with State  
6 minimum standards. Board staff have also found the  
7 facility, while unusually dynamic in its operation, is  
8 also in compliance.

9           The County of Alameda Planning Department acting  
10 as lead agency has concluded that the project will result  
11 in unavoidable impacts to air quality in the region. They  
12 concluded this unavoidable impact is acceptable due to  
13 overriding considerations regarding the impact identified  
14 in the revised agenda item. There's also an impact of  
15 visual quality is that unavoidable because of the  
16 expansion of the site.

17           The Statement of Overriding Considerations is  
18 included in the agenda item as Attachment 4. Board staff  
19 recommend that the environmental document, the lead  
20 agency's findings, the Statement of Overriding  
21 Considerations, are adequate for the Board's evaluation of  
22 the project for these project activities which are within  
23 the Board's jurisdiction and authority.

24           Staff with the Office of Local Assistance have  
25 indicated in their August 1st memo this year to P&I staff

1 they recommend the Board find the permit be found in  
2 conformance with the countywide siting element. OLA staff  
3 is available to provide additional details on this  
4 recommendation if needed.

5 We have made all the required findings, and  
6 therefore, staff recommends the Board adopt as its own the  
7 Statement of Overriding Considerations which were  
8 previously adopted by the lead agency and concur in the  
9 issuance of the revised proposed permit as submitted by  
10 the LEA. And should the Committee have any questions, we  
11 would be happy to answer those. Karen Moroz of the LEA is  
12 here today, and Melissa St. John is also available from  
13 the operator.

14 CHAIRPERSON MULÉ: Thank you very much.

15 Are there any questions? No questions.

16 Do you have anything to add, the LEA or operator?

17 COMMITTEE MEMBER WASHINGTON: Madam Chair --

18 CHAIRPERSON MULÉ: Thank you for being here  
19 today.

20 COMMITTEE MEMBER WASHINGTON: I'd like to move  
21 adoption of Resolution 2005-225 Revised.

22 COMMITTEE MEMBER MARIN: Second. I seconded that  
23 a little while ago.

24 CHAIRPERSON MULÉ: We have a motion by Board  
25 Member Washington, seconded by Chair Marin. We can

1 substitute the previous roll and put this on consent  
2 agenda as well.

3 Our final item is Item G and Board Agenda Item  
4 36.

5 Howard.

6 DEPUTY DIRECTOR LEVENSON: Before we get to this  
7 item, I do want to acknowledge Diane Wilson from Kern  
8 County. She's been on the LEA staff and has worked with  
9 us diligently on getting Kern County permits in shape.  
10 But she is being promoted to head the Food Program, I  
11 believe. I want to congratulate you and thank you for  
12 coming up here many times.

13 CHAIRPERSON MULÉ: We do appreciate all of your  
14 hard work and effort. I know that Kern County -- we all  
15 are aware that Kern County has had their share of  
16 challenges. And we appreciate all your efforts in turning  
17 it around. Thank you.

18 MS. WILSON: I was going to make a statement at  
19 the end of the item, if I could go ahead right now.

20 CHAIRPERSON MULÉ: We'll have you come up and put  
21 it on the record then.

22 MS. WILSON: Well, I thank you for those nice  
23 comments.

24 I wanted to make a statement that it's been -- I  
25 have been working in the LEA for almost 20 years. I think

1 there's still a few people that have been here longer than  
2 I have. But I have noticed a lot of change in the staff  
3 and the programs themselves. I was trying to transition  
4 here. And one of the things I know that I joke about is  
5 that Title 14 used to be a quarter-inch thick, and now we  
6 have two Titles and they're this thick.

7 But on the whole, this agency has allowed much  
8 more training than any other agency I've seen. I like the  
9 positive changes with the conference, the LEA conference,  
10 the LEA roundtables, the health and safety training. I  
11 think I've worked with almost quite a few of the people at  
12 least on staff, and they seem to run away after they've  
13 been an LEA liaison for Kern County. I don't know if  
14 we're that rough.

15 But I do want to appreciate or thank them for  
16 their energy and their hard work in helping us in any  
17 questions that we've had, and they are a very hard working  
18 staff. And I just want to appreciate them for that. I  
19 will miss them. I will not miss the drive. And I will  
20 still deal with solid waste, it's just on the other end.  
21 So thank you.

22 CHAIRPERSON MULÉ: Thank you.

23 Okay. With that, Howard.

24 DEPUTY DIRECTOR LEVENSON: Thank you, Diane.

25 Those are very kind words.

1           Now onto our last permit item, Consideration of a  
2 New Solid Waste Facilities Permit for the Fremont  
3 Recycling and Transfer Station in Alameda County. And  
4 again Reinhard will be making this presentation.

5           MR. HOHLWEIN: Thank you, Howard.

6           This item regards the issuance of a new solid  
7 waste facilities permit for a proposed large volume  
8 transfer and materials transfer facility and transfer  
9 recovery facility to be located in the industrial portion  
10 of the city of Fremont in southern Alameda County. This  
11 facility will eventually replace the Tri-Cities Landfill  
12 also located in Fremont, which will be closing in a few  
13 years. All residual waste will be transferred to the  
14 Altamont Landfill.

15           The proposed permit as submitted will allow  
16 permitted tonnage of 2400 tons per day; allow daily  
17 traffic count of up to 1,398 vehicles per day; and permit  
18 the facility to process and transfer waste 24 hours a day,  
19 7 days a week.

20           Pending issuance of the permit by the LEA, the  
21 construction of the facility will finish in the first  
22 quarter of 2006, and the design and operation of facility  
23 as proposed will be compliant with State Minimum  
24 Standards. Of course, we'll go out there at some point  
25 once they get going. The Board's Office of Local

1 Assistance has determined this site is in conformance with  
2 the County's NDFE.

3           The City of Fremont, acting as lead agency, has  
4 concluded the project will result in unavoidable impacts  
5 relating to air quality. They concluded the impact is  
6 acceptable due to overriding considerations 1 through 4 on  
7 page 5 of the revised agenda item. The Statement of  
8 Overriding Consideration is included in the agenda item as  
9 Attachment 4.

10           Board staff recommend that the environmental  
11 document, the lead agency findings, and the Statement of  
12 Overriding Considerations are adequate for the Board's  
13 evaluation of the project and for those project activities  
14 which are within the Board's expertise and/or powers.  
15 Therefore, staff recommends the Board adopt Option 1,  
16 adopt as its own the Statement of Overriding  
17 Considerations adopted by the lead agency, and concur in  
18 the issuance of the new proposed permit as submitted by  
19 the LEA.

20           Should the Committee have any questions, Roel  
21 Meregillano from the LEA is here, and Sean Edgar is also  
22 here to represent the operator.

23           CHAIRPERSON MULÉ: Any questions? No.

24           With that, do we have a motion?

25           COMMITTEE MEMBER WASHINGTON: I'd like to move

1 adoption of Resolution 2005-226.

2 COMMITTEE MEMBER MARIN: I second that.

3 You know, sometimes people come all the way from  
4 all of these far away places. And sometimes, you know,  
5 the questions are answered there.

6 CHAIRPERSON MULÉ: Yeah. And this was actually  
7 presented to us -- no. It was going to be presented to us  
8 last month. So we all had an opportunity to review it  
9 last month. I think that's why we don't have any  
10 questions this month because --

11 COMMITTEE MEMBER MARIN: Maybe we should ask them  
12 questions.

13 I second that.

14 CHAIRPERSON MULÉ: Okay. It was moved by Board  
15 Member Washington and seconded by Chair Marin. And with  
16 that, we can substitute the previous roll and put this on  
17 consent as well.

18 COMMITTEE MEMBER WASHINGTON: Sometimes I think  
19 they don't mind not having questions.

20 CHAIRPERSON MULÉ: They relish the fact they're  
21 not being called upon.

22 With that, are there any comments from the  
23 public? Does anyone from the public wish to speak?

24 And I would just like to announce that we will be  
25 going into closed session following this meeting -- not

1 immediately following, but following this meeting. And,  
2 Marie, do you have something to share with us? It's  
3 regarding --

4 CHIEF COUNSEL CARTER: Identifying the closed  
5 session is Government Code 11126(e).

6 CHAIRPERSON MULÉ: Thank you very much. And with  
7 that, this meeting is adjourned. Thank you very much.

8 (Thereupon the California Integrated Waste  
9 Management Board, Board of Administration  
10 Permitting and Enforcement Committee  
11 recessed at 11:31 a.m.)

12 (Thereupon the California Integrated Waste  
13 Management Board, Board of Administration  
14 Permitting and Enforcement Committee adjourned at  
15 12:05 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 23rd day of August, 2005.

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23 TIFFANY C. KRAFT, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 12277

Please note: These transcripts are not individually reviewed and approved for accuracy.